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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,717	08/18/2003	William S. Rollins III	WSR001US	4383

32047 7590 02/08/2005

GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER, NH 03101

EXAMINER

CASAREGOLA, LOUIS J

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,717

Applicant(s)

ROLLINS, WILLIAM S.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-15 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Application Status

Parent application 09/763,920 was filed under 35 USC § 371, but the present divisional application does not have filing status under § 371, hence, the Restriction Requirement set forth below follows US rather than PCT restriction practice.

Restriction Requirement

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-10 drawn to a power plant apparatus classified in Class 60, subclass 39.182,
- II. Claims 11-13 drawn to a method of designing a power plant classified in Class 700, subclass 97, and
- III. Claims 14-15, drawn to a method of constructing a power plant involving business related features such as real estate requirements, financing costs, etc. classified in class 705, subclass 500.

The inventions of Groups I-III above are distinct for the following reasons:

The apparatus of Group I could be designed and constructed according to methods materially different than those in Groups II and III, and/or the methods of Groups II and III could be used to design and construct a power plant apparatus materially different than that in Group I. The methods in Groups II and III could, for example,

be used to design and construct power plants which do not involve a number of the specific structural features (single pressure bottoming cycle, extraction feedwater heaters, etc.) specified in the claimed apparatus.

The design method of Group II is also distinct from the construction method of Group III since the Group II method could be practiced without relying upon any of the business parameters relating to real estate, financing, etc. as required by the Group III method.

Because the inventions are distinct for the reasons given above and require separate classification and/or divergent fields of search, restriction for examination purposes as indicated is proper.

Applicant is advised that even in the event that the restriction requirement is traversed, the response to this requirement to be complete must include an election of the invention to be examined.

In addition to the restriction set forth above, further election of individual species is required.

Species Election

This application encompasses multiple species of the inventive subject matter. These include the species of Figure 9, Figure 13, Figure 15, Figure 35, Figure 39, and Figure 45. Pursuant to 35 USC § 121, applicant is required for a complete response to


(1) elect a single disclosed species and (2) list all claims readable on the elected species including any claims subsequently added (MPEP 809.02(a)). The claims drawn to the elected species which fall within the elected group selected from Groups I-III above will constitute the elected invention.

It is unclear if any of the present claims are generic to all species.

Applicant is additionally advised that a mere argument alleging that a generic claim exists or is allowable will not satisfy a species election requirement. For a complete response, applicant must elect a single species and list the claims readable on that species as set forth above.

It is additionally pointed out that the combined restriction and species election requirement along with the complex nature of the claimed subject matter render the present application unsuitable for election by telephone, hence, a telephone election has not been offered in this instance.

L. J. Casaregola
571-272-4826 (M-F; 7:30-4:00)
703-872-9306 FAX
January 27, 2005


LOUIS J. CASAREGOLA
PRIMARY EXAMINER

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Cheryl Tyler, can be reached at 571-272-4834.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).